

**REMARKS**

Reconsideration of this application is requested. Claims 1-6, 14, 17 and 19-24 are in the case. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version With Markings To Show Changes Made.**"

**I. THE REJECTIONS**

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite in light of the utility statement. In response, and without conceding to the merit of this rejection, reference to "prevention" has been deleted without prejudice. In addition, the language "of a platelet aggregation disorder" has been canceled without prejudice and replaced by "post-myocardial infarction". New claim 24 has also been presented which is directed to the treatment of stroke. Basis for claim 14 as amended and new claim 24 appears in the originally filed specification at page 13, lines 22 and 23. No new matter is entered. Withdrawal of the rejection of claim 14 is now respectfully requested.

Claim 18 has been rejected as allegedly too long. In response, and again without conceding to the merit of this rejection, claim 18 has been canceled without prejudice, and replaced by new claims 19-23 which present the compounds of claim 18 in a series of separate claims. Withdrawal of this rejection is now respectfully requested.

Claim 1 stands rejected in light of the use of the word "solvate". This rejection is respectfully traversed.

A person of ordinary skill in this art would have no difficulty in understanding what is meant by "solvate" in the context of the presently claimed compounds. For example, as noted at page 13, line 12, the solvate may be water, ethanol, tetrahydrofuran or diethylether. Given this disclosure taken with the level of ordinary skill in this art, it is believed that no indefiniteness arises with respect to claim 1 in light of the use of the term "solvate". Reconsideration and withdrawal of this aspect of the formal rejection are accordingly respectfully requested.

**II. U.S. Patent 6,251,910**

The Action refers again to U.S. Patent 6,251,910. There is no clear statement in the Action as to the basis of rejection, if any, over this patent. The Examiner makes reference to "interference" and "an overlap problem" with regard to U.S. Patent 6,251,910. No such overlap is believed to exist. Moreover, U.S. Patent 6,251,910 and the present application Serial No. 09/508,195 are co-owned by the same assignee, namely AstraZeneca. Thus, the reference to interference is inapposite, since U.S. Patent 6,251,910 and the present application are commonly assigned.

As explained in the response of December 13, 2001, the claimed invention of the present application is an improvement over the disclosure of U.S. Patent 6,251,910. That response was accompanied by a Declaration executed by Anthony H. Ingell and Brian Springthorpe averring that of the nine compounds exemplified in the present

application, five were synthesized prior to the September 21, 1998 35 U.S.C. § 102(e) date of U.S. Patent 6,251,910. Utility of those compounds is demonstrated in the present specification at pages 13-16 and 42-43. U.S. Patent 6,251,910 is therefore not available as prior art under 35 U.S.C. § 102(e) against the presently claimed invention.

To further emphasize distinctions of the presently claimed invention over U.S. Patent 6,251,910, attached is a Declaration executed by Robert J. Riley (hereinafter the Riley Declaration), together with copies of references referred to in the Declaration. A PTO-1449 is also attached together with an IDS fee. The Examiner is requested to consider and initial the attached PTO-1449 and to return a copy of the initialed document to the undersigned with the next paper to issue in this application.

The Riley Declaration shows that the compounds exemplified in the present application exhibit an unexpected advantage of being active at a lower predicted dose in man as a result of a combination of increased metabolic stability together with high affinity for the  $P_{2T}$ -receptor (see paragraph 10 of the Declaration). In paragraphs 11 onwards of the Riley Declaration, data is provided establishing that exemplified compounds of the present application maintain  $P_{2T}$  potency and display unexpectedly higher metabolic stability to glucuronidation than the closest analogs of U.S. Patent 6,251,910.

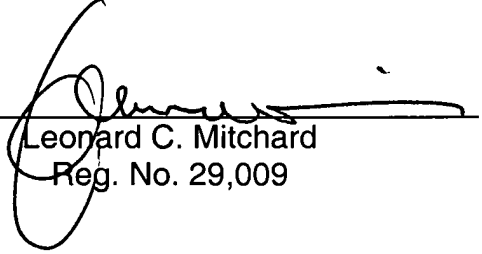
In light of this evidence, it is clear that the presently claimed invention is patentably distinguished over the disclosure of U.S. Patent 6,251,910. Reconsideration and withdrawal of any outstanding rejections based on that patent are accordingly respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

LCM:lfm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100